



**reconstruct**

# **Confidentiality Policy**

## **Policy Statement**

All employees working within Reconstruct are bound by a legal duty of confidence to protect personal information they may come into contact with during the course of their work. This is not just a requirement of their contractual responsibilities but also a requirement within the common law duty of confidence and data protection legislation –the European General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA2018) which implements the GDPR in the UK.

Reconstruct recognises that we all have information about our lives that we would find difficult to share with others. Reconstruct will manage information relating to staff, customers, young people and volunteers in ways which ensure that the information is made available only to a limited number of people and only on a need-to-know basis. We have a duty of care to the children and young people we work with and to our staff and volunteers. Information regarding customers or third parties will be subject to professional discretion.

## **Principles**

All staff must ensure that the following principles are adhered to:

- Person-identifiable or confidential information must be effectively protected against improper disclosure when it is received, stored, transmitted or disposed of.
- Access to person-identifiable or confidential information must be on a need-to-know basis.
- Disclosure of person identifiable or confidential information must be limited to that purpose for which it is required.
- Recipients of disclosed information must respect that it is given to them in confidence.
- If the decision is taken to disclose information, that decision must be justified and documented.
- Any concerns about disclosure of information must be discussed with the Service Manager

## **Secrecy vs. Agency Confidentiality**

It is important when working with children and young people to be clear about the difference between keeping information and confidentiality. Many people who have been abused have been told to keep it a secret, and sometimes have been threatened into silence. Much of the grooming process for people who abuse children involves creating an illusion of trust and dependency, so that the abuse is not disclosed.

As a general principle, where a child is talking about things which do not carry a risk of significant harm to themselves or any other young person, they can expect that this information will remain within Reconstruct. It will not be disclosed to children's services, carers, parents or anyone else without their permission.

Independent visitors, mentors & advocates offer young people agency confidentiality. This means that information is kept private from children's services, parents, carers and other young people. This private information will be discussed within supervision sessions and when advice is sought and so the agreement with a young person should be between them and Reconstruct as an organisation. It is important to be clear with the young person that while you can't keep secrets, you will keep your discussions private, unless the young person asks you / us to talk to their social worker, carer or someone else.

### **Sharing Children's Information**

Should a child or young person disclose information to you that you believe places them or another child or young person at the risk of significant harm, you should explain to the young person that you will need to share this information with someone else to keep them safe. Tell them that this is because you care about them and are worried about their safety. This information will be shared with Reconstruct, then it will be shared with either their social worker or significant professional who can help.

Should the child or young person refuse to allow you to disclose the information, and you are concerned that the child or young person is at immediate risk, you should explain to the young person this information will have to be shared, and do so. The safety and welfare of young people is paramount (see **Safeguarding policy** for process and contact numbers).

If there is no immediate risk, you should explain to the child or young person why the information needs to be shared, and encourage them to decide whom it should be shared with, and if there is anyone they would prefer did not know. It is not always possible to contain information once it has been disclosed, and you should be honest with the child or young person about this. However, you can advocate on behalf of the young person to keep information on a 'need to know basis'.

If the young person refuses to allow you to pass information on, and there is no immediate risk, you should consult with the children's services manager, who will consider whether a breach of the young person's confidentiality is warranted. If the disclosure constitutes abuse or neglect, the service manager can authorise disclosure over the young person's wishes and feelings. Independent visitors, mentors & advocates cannot pass on information without this consent, unless there is immediate risk to a young person.

This policy should be read in conjunction with our Child Protection Policy and Procedure .

### **Confidentiality in Training**

As part of the group agreement established at the beginning of each course trainers must discuss confidentiality.

In general discussions and information shared on training courses between participants and the trainer should remain confidential to the group.

In a situation where any information shared raises concerns about:

- A risk to a child/young person AND/OR
- Safety issues for a participant AND/OR

- Standards of practice or attitudes that could have a significant detrimental impact on a child/young person.

The trainer has a responsibility to take this information outside of the group and share the concerns with the children's services manager. The following statement is a useful way of explaining confidentiality in the training environment: -

'As trainers we would like you to take the learning from this course, discuss it with your colleagues and integrate it into your practice. But if anyone does share anything of a personal nature either about themselves or service users that information should remain within this group. If however I am left feeling concerned about child protection issues or the safety of a participant as a result of what is discussed on this training I, as the trainer, do have a responsibility to report this concern and would have to take it outside of this group. Where possible I would hope to discuss it with the participant concerned first.'

### **Supervision & Allegations**

Sometimes a worker may make a disclosure within their supervision session to their coordinator or they may make an allegation or mention a concern about a colleague. The Supervisor will manage this in accordance with the **Safeguarding policy and Allegations Policy & Procedure**. Supervision notes and records relating to a complaint or an investigation will be stored securely and only shared with people who are directly involved in dealing with it.

### **Carelessness**

All staff have a legal duty of confidence to keep person-identifiable or confidential information private and not to divulge information accidentally. Staff and volunteers must not:

- Talk about person-identifiable or confidential information in public places or where they can be overheard.
- Leave any person-identifiable or confidential information lying around unattended, this includes telephone messages, computer printouts and other documents.
- Leave a computer terminal logged on to a system where person-identifiable or confidential information can be accessed, unattended.

Steps must be taken to ensure physical safety and security of person-identifiable or business confidential information held in paper format and on computers.

### **Dos**

- Do safeguard the confidentiality of all person-identifiable or confidential information that you come into contact with.
- Do clear your desk at the end of each day, keeping all non-digital records containing person-identifiable or confidential information in a safe, locked place.

- Do switch off computers with access to person-identifiable or business confidential information, or put them into a password-protected mode, if you leave your desk for any length of time.
- Do ensure that you cannot be overheard when discussing confidential matters.
- Do challenge and verify where necessary the identity of any person who is making a request for person-identifiable or confidential information and ensure they have a need to know.
- Do share only the minimum information necessary.
- Do transfer person-identifiable or confidential information securely when necessary.
- Do seek advice if you need to share a child or young person's information without their consent
- Do report any actual or suspected breaches of confidentiality.
- Do participate in induction, training and awareness raising sessions on confidentiality issues.

### **Don'ts**

- Don't share passwords or leave them lying around for others to see.
- Don't share information without the consent of the person to which the information relates, unless there are statutory grounds to do so.
- Don't use person-identifiable information unless absolutely necessary, anonymise the information where possible.
- Don't collect, hold or process more information than you need, and do not keep it for longer than necessary.

### **Confidentiality agreement**

Everyone who works for Reconstruct or volunteers has to sign and adhere to our confidentiality agreement. See **Appendix 1 Reconstruct confidentiality agreement**

### **Conclusion**

Whilst Reconstruct recognises children's and adults right to privacy, child protection and safeguarding are our first concern. Therefore, there may be cases when confidentiality may have to be breached. When this happens we will be open and honest with those affected and make sure they will be told who knows what about them and why. We will support them through any disclosure or breach of their confidentiality and endeavour to maintain trust and mutual respect.

## VERSION CONTROL

			Document Owner	Reconstruct Ltd
			Status	Active
			Next Review	30/09/2024
Version	Revision Date	Section Revised	Person undertaking Revision	Reason for Revision
V_2	1/10/23	All	AD	Review of policy, rebranding, and implemented version control mechanism opposed to having just date for next review